

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

RODERICK L. HYMON

Plaintiff,

vs.

OFFICER ROSE, *et al.*,

Defendant.

Case No.: 2:23-cv-01276-GMN-EJY

**ORDER ADOPTING  
REPORT AND RECOMMENDATION**

Pending before the Court is the Report and Recommendation (“R&R”), (ECF No. 20), from United States Magistrate Judge Elayna J. Youchah, which recommends that this action be dismissed with prejudice for failure to file an amended complaint.

A party may file specific written objections to the findings and recommendations of a United States Magistrate Judge made pursuant to Local Rule IB 1-4. 28 U.S.C. § 636(b)(1)(B); D. Nev. R. IB 3-2. Upon the filing of such objections, the Court must make a *de novo* determination of those portions to which objections are made if the Magistrate Judge’s findings and recommendations concern matters that may not be finally determined by a magistrate judge. D. Nev. R. IB 3-2(b). The Court may accept, reject, or modify, in whole or in part, the findings or recommendations made by the Magistrate Judge. 28 U.S.C. § 636(b)(1); D. Nev. R. IB 3-2(b). Where a party fails to object, however, the Court is not required to conduct “any review at all . . . of any issue that is not the subject of an objection.” *Thomas v. Arn*, 474 U.S. 140, 149 (1985) (citing 28 U.S.C. § 636(b)(1)). Indeed, the Ninth Circuit has recognized that a district court is not required to review a magistrate judge’s R&R where no objections have been filed. *See, e.g., United States v. Reyna–Tapia*, 328 F.3d 1114, 1122 (9th Cir. 2003).

Here, no objections were filed, and the deadline to do so has passed. (*See* R&R, ECF No. 20) (setting a May 14, 2024, deadline for objections). The Court is aware, however, that

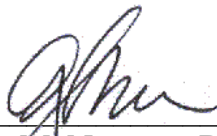
1 court filings being mailed to Plaintiff are coming back “undelivered.” While it is Plaintiff’s  
2 responsibility to update his address on the docket, the Court believes it would be unfair to the  
3 pro se Plaintiff to dismiss this case *with* prejudice as the R&R recommends.

4 Accordingly,

5 **IT IS HEREBY ORDERED** that the Report and Recommendation, (ECF No. 20), is  
6 **ACCEPTED and ADOPTED** in full to the extent that it recommends dismissing this case.

7 **IT IS FURTHER ORDERED** that this case is **DISMISSED** without prejudice. The  
8 Clerk of Court is kindly requested to close out this case.

9 Dated this 30 day of October, 2024.

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13 Gloria M. Navarro, District Judge  
14 United States District Court  
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